

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CARLOS ZAVALA, FERNANDO  
ACOSTA-LOPES, ROLANDO  
OLIVERA SORIANO, and JOSE EFRON  
GARCIA MARTINEZ

Plaintiffs,

-against-

**ORDER ADOPTING R & R**  
Civil Action No. 15-3406 (DRH)(ARL)

PECONIC RESTAURANT GROUP HOLDING,  
*doing business as* Carlino's, ABDUL WALI  
HUSSAINI, THOMAS JOSEPH LANO,  
CNP, INC., *doing business as* Carlino's  
Long Island Italian Restaurant of Mineola,  
and CARLO CORTEO

Defendants.

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**HURLEY, Senior District Judge:**

Presently before the Court is the Report and Recommendation, dated April 18, 2017, of Magistrate Judge Arlene R. Lindsay recommending that the claims of plaintiffs Carlos Zavala and Rolando Olivera Soriano be dismissed for failure to prosecute. More than fourteen days have elapsed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. The Court adopts the April 18, 2017 Report and Recommendation of Judge Lindsay as if set forth herein. Accordingly,

**IT IS HEREBY ORDERED** that the claims of plaintiffs Carlos Zavala and Rolando Olivera Soriano are dismissed for failure to prosecute; and it is

**FURTHER ORDERED** that the caption of this case be amended to read as follows<sup>1</sup>:

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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FERNANDO ACOSTA-LOPES and JOSE  
EFRON GARCIA MARTINEZ

Plaintiffs,

15-cv-3406  
(DRH)(ARL)

-against-

ABDUL WALI HUSSAINI, CNP, INC.,  
*doing business as* Carlino's Long Island  
Italian Restaurant of Mineola, and CARLO  
CORTEO

Defendants.

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Dated: Central Islip, N.Y.  
May 10, 2017

/s/ Denis R. Hurley  
Denis R. Hurley  
United States District Judge

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<sup>1</sup> The claims against defendants Peconic Restaurant Group Holding LLC and Thomas Joseph Lano were dismissed on March 6, 2017 pursuant to the stipulation of the parties.